

Sunset Public Hearing Questions for  
**Standards Committee, Department of Human Services**  
Created by Section 71-3-511, *Tennessee Code Annotated*  
(Sunset Termination Date June 2019)

1. Please provide a brief introduction to the committee, including information about its purpose, statutory duties, and administrative attachment.

**The law requires that the Commissioner of Human Services appoint a standards committee to develop and review standards and regulations for each class of child care agency regulated by the Department of Human Services. The standards committee acts in an advisory capacity to the Commissioner and makes recommendations for initial and revised standards and regulations. The law requires that the standards and regulations for existing classes of child care agencies be reviewed by the standards committee every four (4) years, or more frequently, if directed to by the Commissioner. The standards committee is composed of twelve (12) members, three (3) from each grand division, and three (3) at-large members. According to law, a standards committee ceases to exist after submitting its recommendations to the Commissioner, but it may be recalled as needed. Child & Adult Care Licensing of the Department's staff in Nashville have administrative responsibilities for the committees.**

2. Provide a list of committee members. For each member, describe how membership complies with Section 71-3-511, *Tennessee Code Annotated*. What criteria were used in selecting committee members? Were selections made in accordance with TCA 71-3-511(e)(1) and (2)?

**Combined Child Care Committee**

**Stephanie Bayne - Center - East  
Linda Boyers – Center – Middle\*  
Charlotta Edwards – Family – East\*  
Debbie Ferguson – Center – At Large  
Rashetta Flemmings – Center – At Large  
Patti Gibson - Center - Middle  
Tammy Hardison – Family – At Large  
Beverly Holland - Center - East  
Lizzie Humphrey - Family – At Large\*  
Gini Langham - Drop-In Center – Middle  
John Lovelace – Center – West\*  
Jennie Nelson - Group - West  
Mary Palmer – Center - West  
Helen Redding - Center – Middle  
Bonnie Spear- Center – At Large**

**Members of the standards committee are chosen from among nominations received based upon the statutory criteria, as well as the nominees' years of experience, educational and professional achievements, and any expertise in particular child care specialties. The combined child care committee meets or exceeds the statutory representation criteria for having at least one member sixty (60) years or older and one member of a racial minority. Nomination forms for standards committee membership are mailed or emailed to child care professional organizations, child care advocacy groups, and all known licensed providers. In addition, nomination forms and information about the nomination process is also maintained on the Department's website and the websites of various partner groups during the nomination period.**

**The committee members represent a diverse cross section of the child care industry and they reflect a wide assortment of educational backgrounds and child care experience. The membership of the above committee is made up of child care owners, operators, directors, and primary educators.**

3. How many times did the committee meet during the last two years? How many members were present at each meeting?

**The combined child care committee met two times in 2017. Eleven committee members and one designated representative participated in the first meeting. Nine committee members and two designated representatives participated in the second meeting.**

4. What per diem or travel reimbursement do members receive? How much was paid to committee members during the last two years?

**Committee members do not receive any compensation, but are reimbursed for travel, meals, and lodging according to state travel procedures and regulations. The total reimbursement to committee members during this period was \$1,132.22.**

5. What were the committee's revenues and expenditures for the last two years? Does the committee carry a balance and, if so, what is the total of that balance? If expenditures have exceeded revenues and the committee does not carry a balance, what was the source of the revenue for excess expenditures?

**There are no revenues generated by the standards committees. Expenses for this period were limited to the use of the Webex meeting technology and reimbursement for travel, meals, and lodging.**

6. How does the committee ensure that it is operating in an impartial manner and that there is no conflict of interest?

**The diversity of members on the committee helps to ensure that they operate in an impartial manner. Furthermore, this committee serves in an advisory capacity to**

**the Department. The Department has ultimate responsibility for establishing rules or proposing changes to the rules. Therefore, the Department has responsibility for monitoring recommendations and making sure that any proposed rules are appropriate for regulating the health, safety and welfare of children in licensed child care and that the rules proposed by the committee accomplish this objective taking into account, to the extent possible, the needs of all licensed child care agencies.**

7. Has the committee promulgated rules? If yes, please cite the reference.

**No; the Committee does not have statutory authority to promulgate rules.**

8. Is the committee subject to Sunshine Law requirements (Section, 8-44-101, *Tennessee Code Annotated*) for public notice of meetings, recording of minutes, and public access to minutes?

**Yes, meetings are open to the public and materials associated with the meetings become part of the public record, and as such, are available to the public upon request. Contact information for receiving a copy of the minutes is available upon request.**

9. The committee is responsible for developing and recommending to the commissioner standards and regulations for any new class of child care agency. How is it determined if a class of child care agency is “new”? Who makes the determination? When the determination is made, how and by whom is standards and regulatory development started? What was the last class of agency requiring the development of standards?

**Classes of licensed child care agencies are established by statute. A “new” class of child care agency is a class that did not previously exist in the law. Existing classes already have standards and regulations in place. Standards and regulations must be created for new classes of care. Once the standards committee for a class of agency has been convened, the Department’s licensing program staff either: (a) develop an updated draft of existing regulations, or (b) if the standards committee is for a new class of child care agency, develop a draft of a new set of regulations for this class. The standards committee is then presented with a copy of any currently existing regulations, as well as a copy of the Department’s draft. The standards committee may choose to base its recommendations on existing rules, the Department’s draft, or develop its own standards and regulations and recommend these to the Department.**

10. The committee is also required to review the standards and regulations of each existing class of child care agency every four years “or more frequently as the commissioner may

direct.” Please list all classes of existing child care agencies and the last time the standards and regulations of each were reviewed.

**The existing classes of child care agencies are:**

**Group Child Care Homes. Tenn. Comp. R. & Regs. 1240-4-1**

**Drop-In Child Care Centers. Tenn. Comp. R. & Regs. 1240-4-2**

**Child Care Centers. Tenn. Comp. R. & Regs. 1240-4-3**

**Family Child Care Homes. Tenn. Comp. R. & Regs. 1240-4-4**

**The current or most recent standards committees established for the classes of child care categories are:**

**Combined Child Care Standards Committee - Review of proposed combined child care rules (combining 1240-4-1 through 1240-4-4 into one chapter) concluded in November 2017.**

11. Statute specifies that the committee shall cease to exist up submitting recommendations to the commissioner but may be re-established by the commissioner at any time to further review its recommendations or to consider additional standards or regulations or to consider revisions to the standards or regulations. Does the committee retain the same membership each time it is re-established, or does membership change?

**The retention of membership is dependent upon how long it has been since the standards committee has been active. In cases where the standards committee is being reestablished because four years have passed and it is time for the next scheduled review of a class of child care agency’s standards and regulations, the newly established standards committee usually consists of mostly new members. It is helpful, however, to include a few members from the previous committee to provide some continuity.**

12. Describe any items related to the committee that require legislative attention and any proposed legislative changes.

**None known.**

13. Should the committee be continued? To what extent and in what ways would the absence of the committee affect the public health, safety, and welfare of Tennessee citizens?

**Yes, the committee should be continued. In order to adequately protect children in care, it is vital that child care providers/child care advocates participate in the rulemaking process. The committees afford a wide variety of providers an opportunity to actively participate. Their direct involvement in the industry contributes greatly to the rules that work to protect children from harm.**

14. Please provide a list of current committee staff.

**There are no formal staff positions associated with the committees. Child care licensing staff at the Department's state office assume administrative responsibility and oversight for the committees. The primary person with administrative duties for the committees is a Coordinator II (Caucasian, Male).**

15. Please provide a list of all committee contracts, detailing each contractor, the services provided, and the amount of the contract.

**None.**